

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, has continued to reject all pending claims. In response, claims 1, 5, 6, 11, 15, 16, 21, 25, and 26 have been amended to overcome the rejections under 35 U.S.C. 103(a). The additional limitations in the amended claims 1, 5, 6, 11, 15, 16, 21, 25, and 26 are supported by first paragraph of page 5 in the detailed description. Accordingly, the amendment adds no new matter to the application.

After entry of the foregoing amendments, claims 1-3, 5-13, 15-21, 23-24, and 26-30 remain pending in the present application. Applicant respectfully requests reconsideration of these claims and withdrawal of the outstanding rejections. Applicant submits that claims 1-3, 5-13, 15-21, 23-24 and 26-30 are clearly in condition for allowance, as will be discussed herein below. The accompanying remarks are deemed necessary in light of the position taken in the non-final Official Action. The remarks of the instant response further clarify and distinguish Applicant's invention over Examiner's grounds of rejection and supporting reasoning presented in the non-final Official Action.

The non-final Official Action relied on the following references in forming the outstanding rejections:

- U.S. Patent 6,567,928 by Lyle et. al., entitled *METHOD AND APPARATUS FOR EFFICIENTLY RECOVERING FROM A FAILURE IN A DATABASE THAT INCLUDES UNLOGGED OBJECTS*, (referred to as "Lyle" hereinafter);
- U.S. Patent 5,293,615 by Amada, entitled *POINT AND SHOOT INTERFACE FOR LINKING DATABASE RECORDS TO SPREADSHEETS WHEREBY DATA OF A RECORD IS*

*AUTOMATICALLY REFORMATTED AND LOADED UPON
ISSUANCE OF A RECALCULATIO COMMAND*, (referred to as
"Amada" hereinafter); and

- U.S. Patent 6,978,262 B2 by Tsai, entitled *DISTRIBUTED DATABASE SCHEMA*, (referred to as "Tsai" hereinafter).

Previous claims 1-4, 5-7, 9-17, 19-21, 23-28, and 30 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Lyle in view of Amada. Previous claims 8, 18, and 19 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Lyle in view of Amanda in further view of Tsai. The amendments made to the claims render these rejections moot. Notwithstanding, Applicant sets out the following additional comments.

Instant Claims 1-3, 5-13, 15-21, 23-24, and 26-30

Regarding independent claims 1, 11, and 21 (as amended), neither Lyle, Amada, nor Tsai teach anything about the added feature of *one data correlation of a first of the data records and a second of the data records being sequential indicates that the second data record is made available only after the first data record is available*.

Applicants recognize that Amada discloses that "chained-dependant records" denotes each ordered record depending on the record previous to it. Applicants also note that the disclosed "chained-dependant records" do not consider verification issues between ordered records (emphasis added). Therefore, the disclosed "chained-dependant records" of Amanda does *not* disclose the claimed feature or relationship of the "the second data record is made available only after the

first data record is available," as expressly claimed in each of the independent claims 1, 11, and 21.

For at least this reason, the combination of Lyle and Amada (even if properly combined) does not teach or suggest all the limitations of instant claim 1, 11, or 21 of the present application. Insofar as all remaining claims depend from either claim 1, 11, or 21, these claims are also in condition for allowance.

As a separate and independent basis for the patentability of all claims, Applicant submits that the combination of Lyle and Amanda does not render obvious certain claims. In this regard, the Office Action combined Amanda with Lyle to reject each of the independent claims 1, 11, and 21 on the solely expressed basis that "these types of records are well known and provide increased functionality in data manipulation in a database." (Office Action, p. 3). This rationale is both incomplete and improper in view of the established standards for rejections under 35 U.S.C. § 103.

In this regard, the MPEP section 2141 states:

Office policy has consistently been to follow Graham v. John Deere Co. in the consideration and determination of obviousness under 35 U.S.C. 103. As quoted above, the four factual inquiries enunciated therein as a background for determining obviousness are briefly as follows:

- (A) Determining of the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

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BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

Simply stated, the Office Action has failed to at least (1) ascertain the differences between and prior art and the claims in issue; and (2) resolve the level of ordinary skill in the art. Furthermore, the alleged rationale for combining the two references (i.e., that the types of records begin allegedly well known and provide increased functionality in data manipulation in a database reducing lot average critical dimensions) embodies clear and improper hindsight rationale. Some resulting benefit can ALWAYS be alleged for the combination of ANY references. To avoid improper hindsight reconstruction, there must be an objective teaching in the prior art itself that would motivate the combination, and the in present rejections, no such teaching has been alleged. For at least this additional reason, Applicant submits that the rejections of all claims are improper and should be withdrawn.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of instant claims 1-3, 5-13, 15-21, 23-24 and 26-30.

Conclusion

For the reasons as described above, all claims are in condition for allowance, and withdrawal of the rejections and allowance of the claims, as now amended, are respectfully requested. Applicant has made every effort to place the present application in condition for allowance. It is therefore earnestly requested that the present application, as a whole, receive favorable consideration and that all of the claims be allowed in their present form.

Should Examiner feel that further discussion of the application and the Amendment is conducive to prosecution and allowance thereof, please do not hesitate to contact the undersigned at the address and telephone listed below.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

By: /Daniel R. McClure/

Daniel R. McClure
Registration No. 38,962

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Pkwy, NW
Suite 1750
Atlanta, GA 30339
770-933-9500